

Message Text

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ACTION OES-06

INFO OCT-01 AF-08 EUR-12 IO-13 ISO-00 ACDA-07 CIAE-00

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 7946

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY PRETORIA

USERDA HQ WASHDC PRIORITY

USERDA HQ GERMANTOWN PRIORITY

C O N F I D E N T I A L SECTION 1 OF 2 IAEA VIENNA 6805

DEPT PASS IO/SCT

EO 11652: GDS

TAGS: IAEA, TECH, PARM, FR, SF

SUBJ: FRANCE/SOUTH AFRICA BILATERAL NUCLEAR AGREEMENT FOR
COOPERATION

1. 1. MISSION HAS OBTAINED IN CONFIDENCE FULL ENGLISH
TEXT OF SUBJECT AGREEMENT (QUOTED BELOW) RELATING TO
FRENCH SUPPLY OF NUCLEAR POWER REACTORS FOR KOEBERG
NUCLEAR POWER STATION IN SOUTH AFRICA.

2. QUOTE AGREEMENT OF CO-OPERATION BETWEEN THE
GOVERNMENT OF THE REPUBLIC OF FRANCE AND THE GOVERN-
MENT OF THE REPUBLIC OF SOUTH AFRICA REGARDING THE
KOEGERG NUCLEAR POWER STATIONS UNITS I AND II
QUOTE THE GOVERNMENT OF THE REPUBLIC OF FRANCE AND THE
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA (HEREINAFTER
CALLED "THE PARTIES"),
QUOTE DESIROUS OF CONTRIBUTING TO THE DEVELOPMENT OF
THE APPLICATION OF NUCLEAR ENERGY FOR PEACEFUL
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PURPOSES,

QUOTE CONSIDERING THE PROJECT FOR THE ESTABLISHMENT
OF A NUCLEAR POWER STATION CALLED KOEBERG FOR THE
PURPOSE OF GENERATING ELECTRICITY,

QUOTE HAVE AGREED AS FOLLOWS:

QUOTE ARTICLE I

(A) IN ACCORDANCE WITH THE CONDITIONS EMBODIED IN
THE PRESENT AGREEMENT, THE PARTIES SHALL FACILITATE
THE PROVISION AND THE SUPPLY OF SERVICES, INSTALLA-
TIONS, EQUIPMENT AND MATERIALS NECESSARY FOR THE
ESTABLISHMENT AND OPERATION OF A NUCLEAR POWER
STATION IN THE REPUBLIC OF SOUTH AFRICA, CALLED
KOEBERG POWER STATION UNITS I AND II.

QUOTE (B) THE CONDITIONS TO WHICH THESE OPERATIONS
SHALL BE SUBJECT, SHALL FROM CASE TO CASE, BE
DECIDED UPON BETWEEN THE PARTIES AND/OR ANY PUBLIC
OR PRIVATE BODIES CONCERNED, AND SHALL BE EMBODIED
IN AGREEMENTS OR CONTRACTS TO BE CONCLUDED
BETWEEN THEM.

QUOTE ARTICLE II

(A) EACH PARTY SHALL PRESERVE THE CONFIDENTIAL NATURE OF ANY INFORMATION DECLARED AS SUCH,
CONCERNING ANY TECHNICAL DOCUMENT, EQUIPMENT INSTALLA-
TION, NUCLEAR OR OTHER MATERIALS SUPPLIED TO IT BY THE
OTHER PARTY IN TERMS OF THIS AGREEMENT AND, EXCEPT
AS PROVIDED IN AN AGREEMENT OR CONTRACT REFERRED TO IN
ARTICLE I (B), NEITHER PARTY SHALL WITHOUT THE PRIOR
WRITTEN CONSENT OF THE PARTY SUPPLYING IT, DIVULGE
SUCH INFORMATION TO ANY THIRD PARTY WHATSOEVER.

QUOTE (B) EACH PARTY SHALL ENSURE THAT ANY RECIPIENT
ENTITLED IN TERMS OF AN AGREEMENT OR CONTRACT REFERRED
TO IN ARTICLE I (B) TO INFORMATION OF THE NATURE
MENTIONED IN PARAGRAPH (A), SHALL NOT TRANSMIT SUCH
INFORMATION TO ANY PERSON OR ENTITY NOT AUTHORIZED
IN TERMS OF SUCH AGREEMENT OR CONTRACT TO RECEIVE IT.

QUOTE ARTICLE III

EACH PARTY SHALL TAKE ALL NECESSARY MEASURES TO ENSURE
THE PHYSICAL SECURITY OF THE KOEBERG POWER STATION
UNITS I AND II AND OF ALL SPECIAL NUCLEAR MATERIAL
SUPPLIED TO, USED IN OR DERIVED FROM IT, BOTH WHILE
THEY ARE IN ITS TERRITORY AND IN TRANSIT FROM ITS
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TERRITORY, AND SHALL BE AGREEMENT WITH THE OTHER PARTY
DECIDE UPON THE LEVEL OF PHYSICAL PROTECTION UPON
WHICH SUCH MEASURES SHALL BE BASED.

QUOTE ARTICLE IV

NOTWITHSTANDING ANYTHING CONTAINED IN THIS AGREEMENT,
WHERE THE SUPPLY OF ANY TECHNICAL INFORMATION OR ANY
EQUIPMENT, INSTALLATION, OR NUCLEAR OR OTHER MATERIALS,
OR SERVICES, IN TERMS OF THIS AGREEMENT, IS IN THE

OPINION OF EITHER PARTY OF SUCH A NATURE AS TO PRESENT SPECIAL OR PARTICULAR RISKS, SUCH SUPPLY SHALL BE SUBJECT TO SUCH CONDITIONS AS MAY BE DETERMINED IN ADVANCE BY AGREEMENT OF THE PARTIES AND SUCH AGREEMENTS MAY BE IN THE FORM OF AN EXCHANGE OF NOTES THROUGH THE DIPLOMATIC CHANNEL.

QUOTE ARTICLE V

WHEN ANY SPECIAL NUCLEAR MATERIAL FOR KOEBERG POWER STATION UNITS I AND II OR ANY IRRADIATED FUEL ELEMENTS FROM THIS POWER STATION, REQUIRE REPROCESSING AND ARE TO BE REMOVED FROM A REACTOR AND TO BE ALTERED IN FORM OR CONTENT, OR ANY PLUTONIUM RECOVERED FROM IT IS TO BE STORED, SUCH REPROCESSING OR ALTERATION SHALL BE PERFORMED OR SUCH PLUTONIUM STORED, IN FACILITIES OUTSIDE SOUTH AFRICA ACCEPTABLE TO BOTH PARTIES, WHO SHALL SATISFY THEMSELVES THAT THE REQUIREMENTS OF ARTICLE III, IV AND VI ARE BEING AND WILL BE COMPLIED WITH, BUT THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO SPECIAL NUCLEAR MATERIAL RECEIVED FROM THE UNITED STATES OF AMERICA OR IRRADIATED FUEL ELEMENTS DERIVED THEREFROM, WHICH ARE SAFEGUARDED IN TERMS OF EXISTING AGREEMENTS WITH THE UNITED STATES OF AMERICA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY.

QUOTE ARTICLE VI

THE PARTIES SHALL PARTICULARLY ENSURE THAT KOEBERG POWER STATION UNITS I AND II OR ANY COMPONENT THEREOF OR ANY SPECIAL NUCLEAR MATERIAL SUPPLIED TO, USED IN OR DERIVED FROM IT-

QUOTE (A) SHALL NOT BE USED BY A STATE WHICH HAS NOT PRODUCED AND EXPLODED A NUCLEAR DEVICE BEFORE 1 JANUARY 1967, NOR BE TRANSMITTED TO ANY PERSON OR BODY IN SUCH A STATE, FOR MILITARY PURPOSES OR CONFIDENTIAL

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FOR THE PRODUCTION OF EXPLOSIVE NUCLEAR DEVICES, AND QUOTE (B) SHALL BE SUBJECT TO THE APPLICATION OF THE SAFEGUARDS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN SUCH A STATE.

QUOTE ARTICLE VII

THE PARTIES SHALL, WITHIN THEIR COMPETENCE, TAKE ALL THE NECESSARY ADMINISTRATIVE, FICAL OR CUSTOMS MEASURES FOR THE PROPER EXECUTION OF THIS AGREEMENT.

QUOTE ARTICLE VIII

NONE OF THE PROVISIONS OF THE PRESENT AGREEMENT SHALL BE INTERPRETED AS HAVING ANY EFFECT ON ANY RIGHTS OR OBLIGATIONS WHICH, AT THE DATE OF THE SIGNATURE OF THE

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ACTION OES-06

INFO OCT-01 AF-08 EUR-12 IO-13 ISO-00 ACDA-07 CIAE-00

INR-07 L-03 NSAE-00 NSC-05 EB-07 NRC-05 FEAЕ-00

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INFO USERDA HQ WASHDC PRIORITY

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C O N F I D E N T I A L SECTION 2 OF 2 IAEA VIENNA 6805

PRESENT AGREEMENT, FLOW FROM THE PARTICIPATION OF
EITHER PARTY IN OTHER INTERNATIONAL AGREEMENTS FOR THE
PEACEFUL USE OF NUCLEAR ENERGY, ESPECIALLY IN REGARD
TO THE PARTICIPATION OF THE GOVERNMENT OF
FRANCE IN THE EURATOM TREATY.

QUOTE ARTICLE IX

NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED AS
ENGAGING THE RESPONSIBILITY OF EITHER PARTY FOR
ANYTHING DONE IN THE IMPLEMENTATION OF ANY AGREEMENT
OR CONTRACT REFERRED TO IN ARTICLE I (B) TO WHICH
IT IS NOT PARTY.

QUOTE ARTICLE X

THE REPRESENTATIVES OF THE PARTIES SHALL MEET, AS
AND WHEN NECESSARY, TO CONSULT EACH OTHER ON ANY
QUESTION FLOWING FROM THE INTERPRETATION OR APPLICA-
TION OF THIS AGREEMENT.

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QUOTE ARTICLE XI

THIS AGREEMENT MAY BE MODIFIED BY AGREEMENT BETWEEN
THE PARTIES AND ANY MODIFICATION THUS AGREED UPON
SHALL BE EFFECTED BY MEANS OF AN EXCHANGE OF NOTES
BETWEEN THEM THROUGH THE DIPLOMATIC CHANNEL.

QUOTE XII

THIS AGREEMENT SHALL REMAIN IN FORCE FOR A PERIOD OF
TWENTY FIVE (25) YEARS AND THEREAFTER UNTIL A PERIOD
OF SIX MONTHS NOTICE OF TERMINATION, GIVEN IN WRITING
BY THE ONE PARTY TO THE OTHER, SHALL HAVE LAPSED.

QUOTE ARTICLE XIII

NOTWITHSTANDING THE TERMINATION OF THIS AGREEMENT IN
TERMS OF ARTICLE XII -

QUOTE (A) THE PROVISIONS OF THIS AGREEMENT SHALL
WHERE RELEVANT CONTINUE TO APPLY TO ANY AGREEMENT OR
CONTRACT REFERRED TO IN ARTICLE I (B) WHICH IS STILL
OF FORCE;

QUOTE (B) THE PROVISIONS OF ARTICLES II TO VI IN-
CLUSIVELY, SHALL CONTINUE TO APPLY IN RESPECT OF ANY
EQUIPMENT, INSTALLATION, NUCLEAR OR OTHER MATERIAL
AND ANY SPECIAL NUCLEAR MATERIAL SUPPLIED TO, USED IN
OR DERIVED FROM KOEBERG POWER STATION UNITS I AND II
FOR THE FULL PERIOD OF THEIR UTILIZATION AS DEFINED
IN THE AGREEMENT CONCLUDED BETWEEN THE PARTIES AND THE
INTERNATIONAL ATOMIC ENERGY AGENCY.

QUOTE ARTICLE XIV

THE PRESENT AGREEMENT SHALL BE APPROVED IN ACCORDANCE
WITH THE CONSTITUTIONAL PROCEDURES OF EACH OF THE
PARTIES AND SHALL ENTER INTO FORCE ON THE DATE OF
EXCHANGE OF NOTIFICATION FROM BOTH PARTIES STATING
THAT THE REQUISITE CONSTITUTIONAL PROVISIONS HAVE
BEEN COMPLIED WITH.

QUOTE THE UNDERSIGNED, DULY AUTHORIZED THERE-
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TO BY THEIR RESPECTIVE GOVERNMENTS, HAVE SIGNED THE
PRESENT AGREEMENT.

DONE AT -----ON----- 19----

IN TWO COPIES IN THE FRENCH AND ENGLISH LANGUAGES, EACH
BEXT BEING EQUALLY VALID.

ON BEHALF OF THE GOVERN- ON BEHALF OF THE GOVERNMENT
MENT OF THE REPUBLIC OF THE REPUBLIC OF SOUTH
OF FRANCE NJCA.

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